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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
1108 APR 28 AM 9:49

UNITED STATES OF AMERICA,

Plaintiff,

v.

Mario OCHOA-Lopez

Defendant

BY: Magistrate Case No. ECL DEPUTY

COMPLAINT FOR VIOLATION OF

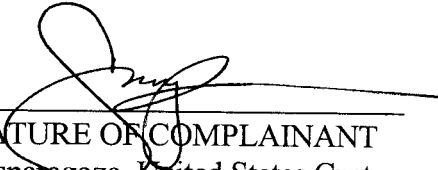
Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

'08 MJ 1301

The undersigned complainant being duly sworn states:

On or about **April 25, 2008** within the Southern District of California, defendant **Mario Ignacio OCHOA-Lopez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **Otay Mesa Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **28th** DAY OF **April**,
2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Heather Ramos, declare under penalty of perjury the following to be true and correct:


On April 25, 2008 at approximately 2051 hours, a 2000 Ford Explorer applied for admission into the United States from Mexico at the Otay Mesa Port of Entry. A passenger, later identified as **Mario Ignacio OCHOA-Lopez (Defendant)** stated to a Customs and Border Protection (CBP) Officer that he was a United States citizen by birth in Anaheim, California. The driver, identified as Jhustine OCHOA-Lopez presented a State of California Driver License bearing her name and orally claimed to be a United States citizen by Naturalization. Jhustine was accompanied by her United States citizen daughter, Sasha Michelle Ochoa. The CBP Officer suspected that the Defendant had made an oral false claim to United States Citizenship and escorted the vehicle and it's occupants into secondary for further inquiries.

During secondary inspection, a CBP Officer queried Defendant's fingerprints in the Integrated Automated Fingerprint Identification System (IAFIS) and Automated Biometric Identification System (IDENT). The officer received a positive match, confirming Defendant's identity and linking him to FBI and Immigration Service records.

Immigration records indicate that Defendant is a citizen of Mexico, without any rights or entitlements to either; enter, pass through, or reside in the United States.

Further queries in the Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed that on or about April 10, 2008 Defendant was ordered removed from the United States to Mexico in Calexico. Immigration records indicate the Defendant has neither applied for nor received permission to legally reenter the United States from the United States Attorney General or the Secretary of Homeland Security.

EXECUTED ON THIS 26th DAY OF April 2008 AT San Ysidro Port of Entry.

 #7548

Heather Ramos / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on April 25, 2008 in violation of Title 8, United States Code, Section 1326.


MAGISTRATE JUDGE

4-26-08 @ 12:05pm
DATE / TIME